



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kazuhiko Hayashi, et al.

Examiner: Monica Lewis

Serial No.: 10/085,607

Unit: 2822

Filed: February 27, 2002

Docket: 15333

For: **LIGHT EMITTING DEVICE AND
LIGHT EMITTING SYSTEM**
2004

Dated: January 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO REQUIREMENT FOR RESTRICTION

Sir:

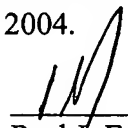
Pursuant to the Restriction Requirement imposed in the Official Action dated December 17, 2003, applicants provisionally elect without traverse the Claims of Group II, i.e., Claims 1-8 for continued prosecution herein.

Claims 1-20 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. §121. Specifically, the Official Action avers that the following inventions are present in the claims:

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 12, 2004.

Dated: January 12, 2004


Paul J. Esatto, Jr.

Group I, Claims 9-20, drawn to a light emitting system, classified in class 345, subclass 77.


Group II, Claims 1-8, drawn to a light emitting device, classified in class 257, subclass 82.

It is the Examiner's position that the inventions listed as Groups I and II are distinct from each other.

In response to the Examiner's requirement for restriction, Applicants provisionally elect without traverse to prosecute the subject matter of Group II, Claims 1-8. However, Applicants reserve the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected claims in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,


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